

RE: PETITION FOR SPECIAL HEARING  
SE/S Town Center Drive,  
350' S C/L Campbell Blvd.,  
14th Election District;  
6th Councilmanic District;  
NOTTINGHAM VILLAGE, INC.,  
Petitioner

\* BEFORE THE ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-248-SPH

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

The Petitioners herein request approval of the determination that a proposed fitness center is a permitted use in the M.L. zone as a matter of right, as more particularly shown on "Petitioners' Exhibit No. 1."

The Petitioners are Nottingham Village, Inc. ("Nottingham") as owner and developer, and Holiday Universal, Inc. ("Holiday") as contract purchaser of a 4.34 acre site located in the White Marsh Business Community adjacent to Interstate 95 South and fronting along Town Center Drive. Appearing for Petitioner Nottingham, was Richard R. Jones and David M. Tolmie appeared on behalf of Holiday and was represented by Counsel. Also present and testifying for Petitioners were Jimmy D. Johnson, Ph.D., Barry P. Gossett and Douglas J. Saunders. Anthony J. Haley, Deputy Director of the Baltimore County Economic Development Commission, and Robert A. Brosso, Holiday's architect, were also present throughout the hearing but did not testify. There were no protestants.

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By [Signature]

Testimony indicated that the vacant parcel which Holiday has contracted to purchase from Nottingham, is zoned M.L. and the property successfully underwent full C.R.G. review when Nottingham originally developed the same for a business park. Petitioners offered the revised site plan dated November 9, 1988 as "Petitioners' Exhibit 1." However, they stated that a more up-to-date version of the plan showing doubleloaded parking along the northeast side of the proposed building will be filed shortly after the hearing.

Petitioners' landscape architect and environmental land planning expert, William F. Kirwin, testified concerning the surrounding land uses and the nearby existing land uses and buildings. Mr. Kirwin submitted "Petitioners' Exhibit No. 2", a 1000 scale zoning map of the Perry Hall-White Marsh area on which he located certain existing office sites and nearby mixed uses. In this regard, Kirwin stated he was very familiar with the area, having prepared landscape plans for the American Bank Stationery and American Cancer Society sites along Town Center Drive.

After tracing the origin of the development of the site selection for the White Marsh Town Center and the Planning Board's Master Plan, Mr. Kirwin distinguished the modern business community from the traditional industrial park of the late 1960s and early '70s. Today's industrial-zoned business communities, he noted, were high profile business centers which

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were not dominated by heavy truck traffic but characterized instead with flexible use relationships with nearby commercial and residential.

Mr. Kirwin next testified concerning the ways in which health clubs are treated as a matter of zoning policy and the zoning precedents for these uses. Kirwin briefly referred to Zoning Policy No. BM-5(2) which states that "gyms, with weightlifting machines or resistance equipment, health spas; racquetball...are considered community buildings and need a Special Exception in the B.L. zone." As "community buildings," Kirwin stated, Section 270 of the Baltimore County Zoning Regulation ("BCZR"), entitled "Schedule of Special Exceptions," provides that community buildings are a land use permitted without special exception in the M.L. zone. Kirwin went on to state that the modern fitness center use is for the purpose of planned exercise and physical conditioning in accordance with recognized medical and athletic fitness standards. Along with the trend to free standing buildings, physical conditioning within today's fitness center is supervised, instructional and monitored and requires substantial floor space with heavy and cumbersome apparatus requiring special space planning. As further support, Kirwin cited the M.L.R.-zoned Merritt fitness centers at Mylander Lane ("Petitioners' Exhibit No. 3") and on Lord Baltimore Drive ("Petitioners' Exhibit No. 4"). If permitted in M.L.R. zones, Kirwin stated that certainly the fitness center should be permitted as a matter of right in the M.L.

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In addition to Petitioners' argument concerning Section 270 support and the M.L.R. precedents, Kirwin stated that a third prong on which Petitioners were basing their case was BCZR section 253.1.A.40A which governs "Practice or training physical conditioning facilities..." Although this subsection was prompted by the Owings Mills training complex of the former Baltimore Colts football team, Petitioners argue that their proposed use satisfies this subsection 40A requirement. For the reasons set forth below and consistent with the interpretive authority under Section 500.7, the Zoning Commissioner concurs and will grant the relief requested.

Kirwin completed his testimony by referring to the favorable comments submitted by the Office of Planning and Zoning and by commenting on the compatibility which the proposed use enjoyed with the Perry Hall-White Marsh Master Plan. In response to Mr. Keller's comments, Kirwin stated that the landscape plan for the site will exceed Baltimore County's and Nottingham's requirements. Kirwin also stated that ample parking will be provided to meet the new requirements of Bill No. 26-88. After reviewing the separate and more stringent requirements of BCZR Section 502.1 and the plan's satisfaction of those requirements, Mr. Kirwin concluded by stating his expert opinion that the proposed Holiday fitness center is an appropriate and permitted use at this location in the M.L. zone.

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Also testifying on behalf of the Petitioners was David M. Tolmie, a corporate vice president of Holiday and U.S. Health, Inc. Mr. Tolmie stated that Holiday operated 42 fitness centers throughout the country. Headquartered as it has been for over 20 years in Baltimore County, the company has decided to construct a \$6 million flagship building and site on the proposed parcel in White Marsh. Referring to a model of Holiday's prototype building, Mr. Tolmie stated that the proposed fitness center would be comprised of approximately 38,000 square feet on three levels. In addition to circuit weight training and other conditioning equipment, Mr. Tolmie testified that this freestanding center would have an indoor running track (twelfth of a mile lap), three racquetball courts and a swimming pool. There will be no spectator facilities or activities and Tolmie added that aerobic exercise rooms were enclosed so as to avoid spectators.

According to Tolmie, the proposed fitness center reflects an industry trend to build freestanding buildings which address the spatial and physical plant considerations which large, industrial-type buildings offer as opposed to commercial space which poses floor-load limitations given the heavy equipment involved. Holiday operates a fitness center in the basement level of the Townsontown Center; however, the facilities are smaller than those proposed for White Marsh.

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Mr. Tolmie also testified that a total of about 75 employees would operate the proposed fitness center with hours from 10:00 a.m. to 10:00 p.m. on Monday through Saturday, and most likely 12 noon to 5:00 p.m. on Sundays. Mr. Tolmie stated that Holiday was exploring the possibility of earlier morning hours during week days. Peak periods, the witness stated, were after work hours which generally meshes well from the standpoint of traffic flow.

Mr. Tolmie then detailed the exclusive agreement which Holiday has with the National Football League Players Association (NFLPA) under which Holiday and its '2 fitness centers have been officially designated as the sole and exclusive training facility for the NFLPA and all of its active duty professional football players. Originally signed on October 13, 1982, the NFLPA's agreement to use Holiday's physical conditioning facilities remains in full effect according to Tolmie and some NFLPA members are currently using Holiday's Towson center during the off-season.

When asked how he best described Holiday's operations and centers, Mr. Tolmie stated that the term "physical conditioning facilities" was most appropriate. He pointed out that neither "spa" nor "gym" accurately characterized the fitness center because of Holiday's emphasis on physical conditioning.

The Petitioners next called Jimmy D. Johnson, Ph.D., the President of the Association of Physical Fitness Centers. Dr.

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Johnson described the evolution of fitness centers over the last 20 years which, he said, originated as spas in Belgium and later as gymnasiums. As contrasted with spectator sports or recreation activities, the modern fitness center is primarily concerned with individualized physical conditioning using state of the art equipment and technology. Stating that he was familiar with the layout of Holiday's fitness centers, Dr. Johnson testified that the fitness center was a type of community building and that Holiday was a leader in the fitness industry.

The Petitioners called two witnesses who were officers of corporate tenants who had located in the business community. Barry P. Gossett, President of Williams Mobile Offices, stated that his corporation had moved its headquarters from the Golden Ring area to 8211 Town Center Drive, just south of the proposed site. Mr. Gossett testified that his corporation viewed Holiday as a compatible future neighbor within the business community. With approximately 90 employees at its Whitmarsh headquarters, Mr. Gossett stated that his corporation would explore corporate memberships in the proposed fitness center inasmuch as Williams employees had utilized the fitness center at Golden Ring.

Douglas J. Saunders, Vice President of American Bank Stationery Co. which had also relocated to Town Center Drive, also testified in support of the proposed use. Furthermore,

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when questioned by this Commissioner, both Gossett and Saunders testified that their respective corporations had selected Nottingham's White Marsh Business Community for their headquarters sites not because of the specific "piece of ground" involved but because it offered a broad range of available services for their corporate employees. The mall, bank, future hotel and proposed fitness center, *inter alia*, afford the mix of services which attracted their corporations to the business community.

Mr. Gossett testified that American Bank Stationery with approximately 300 employees at Whitmarsh had a small exercise room in their office building. However, his corporation would like to see the full range of physical conditioning services that Holiday is proposing for the Town Center Drive site. Both Mr. Gossett and Mr. Saunders testified that the proposed use would be a welcome amenity for out-of-town visitors to their corporate offices and for their other employees from around the country who come to the Whitmarsh headquarters for training.

The question here is one of construction of the BCZR. On the basis of the evidence submitted in this case and consistent with the interpretive authority conferred by Section 500.7, Section 253.1.A.40A is determinative despite its lack of complete clarity. When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his

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By [Signature]

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property. Mayor of Balto. v. Byrd, 62 A.2d 588 (1948); Lake Adventure, Inc. v. Zoning Hearing Bd. of Dingham Township, 440 A.2d 588 (1984) (Pa. Cmwlth., 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Monongy v. Bevilacqua, 432 A.2d 661 (R.I., 1981).

The meaning of the words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Housing Authority, 25 A.2d 466.

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1976):

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Purifoy v. Merc. Safe Dep. & Trust, 273 Md. 58, 327 A.2d 483 (1974); Scoville Serv., Inc. v. Comptroller, 269 Md. 390, 308 A.2d 534 (1973); Usicht v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well-settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, Walker v. Montgomery County, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied, Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be "considered in its entirety, and in the context of the purpose underlying [its] enactment." Giant of Md. v. State's Attorney, 267 Md. 501 at 509, 298 A.2d 427, at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. Grosvenor v. Supervisor of Assess., 271 Md. 232, 315 A.2d 753 (1974); Height v. State, supra.

Where there is no ambiguity or obscurity in the language of the statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. Purifoy v. Merc. Safe Deposit & Trust, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. Gateswood v. State, 244 Md. 609, 244 A.2d 677 (1966). On the other hand, as stated in Masulis v. State, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), "[a]dherence to the meaning of words does not require or permit isolation of words from their context...[since] the meaning of the plainest words in a statute may be controlled by the context...". In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. E.F. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 219, 226 A.2d 317 (1967); Height v. State, supra.

The application of the above principles to the BCZR results in a clear finding that the proposed fitness center and physical conditioning facility is a permitted use in the M.L. zone as a matter of right. The proposed use will serve to provide important amenity services within the White Marsh Business Community and has been shown to be consistent with the White Marsh master plan as well as the spirit and intent of the BCZR.

Based upon the evidence presented at the hearing, the relief and determination requested should be granted. The hearing was properly posted and advertised, and the requirements of Section 500 of the BCZR have been met.

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### PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve \_\_\_\_\_

...A proposed fitness center as a permitted use in the M.L. Zone as a matter of right.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Holiday Universal, Inc.  
(Type or Print Name)  
Signature: [Signature]  
Address: 703 Hampton Plaza, 300 E. Joppa Road  
City and State: Towson, Maryland 21204

Legal Owner(s): Nottingham Village, Inc.  
(Type or Print Name)  
Signature: [Signature]  
Address: 100 W. Pennsylvania Avenue  
City and State: Towson, Maryland 21204

Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name)  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:  
Name: Allen D. Greif, Esquire  
Address: 703 Hampton Plaza, 300 E. Joppa Road  
City and State: Towson, Maryland 21204  
Phone No.: \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this 20th day of Nov, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of Dec, 1988, at 2 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

z.c.o.-No. 1

(over)

Pursuant to the advertisement, posting of the property, and the public hearing on this Petition for Special Hearing held and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of January, 1989, that the Petition for Special Hearing to approve a proposed fitness center use on 4.34 acres in the M.L. zone as a matter of right, in accordance with "Petitioners' Exhibit No. 1" and the landscape plan, be and the same is hereby determined to be APPROVED AND GRANTED from and after the date of this Order, subject, however, to the following restrictions:

1. That the Petitioners shall file a landscape plan which exceeds the requirements of the Baltimore County Landscape Manual and is to be approved by the Baltimore County Office of Planning and Zoning;
2. Pending the expiration of the thirty (30) day appeal period, the Petitioners may proceed to process and obtain their necessary building permits and other permits, subject to their risk and expense in the event a successful appeal results in the reversal of this opinion and order.
3. The Petitioners shall be entitled to alter "Petitioners' Exhibit No. 1" in order to show and provide for an additional row of parking along the northernmost side of the proposed building consistent with the landscape plan, which revised site plan and amendment to "Petitioners' Exhibit No. 1" shall be filed on or before March 1, 1989.

J. Robert Haines  
Zoning Commissioner for  
Baltimore County

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### HOLIDAY UNIVERSAL, INC. NOTTINGHAM VILLAGE, INC. Petitioners

Case No.: 89-248 SPH  
December 21, 1988

#### Counsel for Petitioners:

Stephen J. Nolan, Esquire and Allen D. Greif, Esquire  
Nolan, Plumbhoff and Williams, Chartered  
Suite 1105, Hampton Plaza  
300 East Joppa Road  
Towson, Maryland 21204

U. S. Health, Inc.  
Suite 703  
300 East Joppa Road  
Towson, Maryland 21204

#### PROPOSED WITNESSES

1. William F. Kirwin  
Landscape Architect  
Environmental Land Planner  
28 East Susquehanna Avenue  
Towson, Maryland 21204
  2. Jimmy D. Johnson, Ph.D.  
President  
Association of Physical  
Fitness Centers  
606 Jefferson Street  
Suite 202  
Rockville, Maryland 20852
  3. David M. Tolmie  
Vice President  
U. S. Health, Inc.  
Suite 703  
300 East Joppa Road  
Towson, Maryland 21204
  4. Richard R. Jones  
Senior Vice President  
Nottingham Properties, Inc.  
100 West Pennsylvania Avenue  
Towson, Maryland 21204
- Licensed Real Estate  
Broker

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

January 3, 1989



Stephen J. Nolan, Esquire  
Nolan, Plumbhoff and Williams, Chartered  
Suite 1105, Hampton Plaza  
300 E. Joppa Road  
Towson, Maryland 21204

RE: Petition for Special Hearing  
Case #89-248 SPH  
Nottingham Village, Inc., Petitioner

Dear Mr. Nolan:

Enclosed please find the decision rendered on the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:mmn  
att.

cc: Peoples Counsel  
Allen D. Greif, Esquire, Vice President and General Counsel,  
U.S. Health, Inc.  
Suite 703, 300 E. Joppa Road  
Towson, Maryland 21204

Mr. William F. Kirwin  
28 E. Susquehanna Avenue  
Towson, Maryland 21204

7344A

Jimmy D. Johnson, Ph.D.  
President, Assoc. of Physical Fitness Centers  
606 Jefferson Street  
Suite 202  
Rockville, Maryland 20852

Mr. David M. Tolmie  
Vice President, U.S. Health, Inc.  
Suite 703, 300 E. Joppa Road  
Towson, Maryland 21204

Richard R. Jones  
Senior Vice President  
Nottingham Properties, Inc.  
100 West Pennsylvania Avenue  
Towson, Maryland 21204

Barry P. Gossett, President  
Williams Mobile Offices/Modular Structures  
8211 Town Center Drive  
Baltimore, Md. 21236

Douglas J. Saunders, Vice President  
American Bank Stationery Co.  
P.O. Box 17114  
Baltimore, Maryland 21203-7114

Anthony J. Haley, Deputy Director  
Baltimore County Economic Dev. Commission  
Court House, Mezzanine  
Towson, Md. 21204

Robert A. Brosso, AIA, President  
Brosso, Wilhelm, McWilliams, Inc.  
1025 Cromwell Bridge Road  
Baltimore, Maryland 21204

5. Barry P. Gossett  
President  
Williams Mobile Offices/  
Modular Structures  
8211 Town Center Drive  
Baltimore, Maryland 21236

Whitemarsh Business  
Community

6. Douglas J. Saunders  
Vice President  
American Bank Stationery Co.  
P. O. Box 17114  
Baltimore, Maryland 21203-7114

Whitemarsh Business  
Community

7. Anthony J. Haley  
Deputy Director  
Baltimore County Economic Development  
Commission  
Court House, Mezzanine  
Towson, Maryland 21204

8. Robert A. Brosso, AIA  
President  
Brosso, Wilhelm, McWilliams, Inc.  
1025 Cromwell Bridge Road  
Baltimore, Maryland 21204

Architect



FROM THE OFFICE OF  
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.  
ENGINEERS  
P.O. BOX 6628, TOWSON, MARYLAND 21204

Description to Accompany Zoning Petition  
For Special Hearing in an Existing ML Zone,  
4.340 Acres ± Lot 4-B, Section 'C',  
White Marsh Business Community.

October 21, 1988

Beginning for the same at a point on the southeast side of Town Center Drive 60' wide, said point being distant South 01° 59' 09" West 10.69 feet from the intersection of the centerlines of Campbell Boulevard & Town Center Drive running thence and leaving the east side of said Drive, 1) South 43° 21' 48" East 448.09' to a point on the northwest side of the JFK Memorial Highway, I-95, running thence and binding on the northwest side of said highway the two following courses, viz: 2) by a curve to the right having a radius of 5579.58' for a distance of 44.50 feet, 3) South 57° 02' 42" West 515.27' running thence leaving said highway, 4) North 32° 57' 18" West 311.39' to the southeast side of Town Center Drive running thence and binding along the southeast side of Town Center Drive the three following courses, viz: 5) by a curve to the left having a radius of 1130.00' for a distance of 300.98', 6) North 38° 56' 45" East 76.11' and 7) by a curve to the left having a radius of 530.00' for a distance of 122.91' to the place of beginning.

Containing 4.340 acres.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY.



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(410) 333-3353  
J. Robert Haines  
Zoning Commissioner

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing  
SE/S Town Center Drive, 350' S c/l Campbell Blvd.  
14th Election District - 6th Councilmanic  
Legal Owner(s): Nottingham Village, Inc.  
Contract Purchaser(s): Holiday Universal, Inc.  
HEARING SCHEDULED: WEDNESDAY, DECEMBER 21, 1988 at 2:00 p.m.

Special Hearing: A proposed fitness center as a permitted use in the ML zone as a matter of right.

\*IF PHASE II OF SNOW EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE WILL BE RESCHEDULED. CALL 887-3391 TO CONFIRM DATE.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
Zoning Commissioner  
Baltimore County

Baltimore County  
Fire Department  
Towson, Maryland 21204-2536  
494-4500  
Paul H. Reincke  
Chief

December 2, 1988

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: Nottingham Village, Inc.  
Contract Purchaser: Holiday Universal, Inc.  
Location: SE/S Town Center Dr., 350' S. c/l of Campbell Blvd.

Dennis F. Rasmussen  
County Executive

Item No.: 173 Zoning Agenda: Meeting of 11/1/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] NOTED & APPROVED: [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
SE/S Town Center Dr., 350' S :  
C/L Campbell Blvd. : OF BALTIMORE COUNTY  
14th Election District;  
6th Councilmanic District :  
NOTTINGHAM VILLAGE, INC., : Case No. 89-248-SPH  
Petitioner :

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 28th day of November, 1988, a copy of the foregoing Entry of Appearance was mailed to P. Douglas Dollenberg, President/CEO, Nottingham Village, Inc., 100 W. Pennsylvania Ave., Towson, MD 21204, Petitioner; and Allen D. Greif, Esquire, 703 Hampton Plaza, 300 E. Joppa Rd., Towson, MD 21204, Attorney for Holiday Universal, Inc., Contract Purchaser.

Peter Max Zimmerman  
Peter Max Zimmerman

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
89-248-SPH  
Petitioner for Special Hearing  
SE/S Town Center Drive, 350' S c/l Campbell Blvd.  
14th Election District - 6th Councilmanic  
Legal Owner(s): Nottingham Village, Inc.  
Contract Purchaser(s): Holiday Universal, Inc.  
HEARING SCHEDULED: WEDNESDAY, DECEMBER 21, 1988 at 2:00 p.m.  
Special Hearing: A proposed fitness center as a permitted use in the ML zone as a matter of right.

#### CERTIFICATE OF PUBLICATION

TOWSON, MD, November 23, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 23, 1988.

NORSTHEAST TIMES  
THE JEFFERSONIAN,  
Publisher

S. Zebe Olson

PO 05893  
reg H 20478

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 14th  
Posted for: Michael Haines Date of Posting: 11/1/88  
Petitioner: Nottingham Village, Inc. - Holiday Universal, Inc.  
Location of property: SE/S Town Center Drive, 350' S c/l Campbell Blvd.  
Location of Sign: Town Center Drive, 350' S c/l Campbell Blvd.  
Remarks: On property of Petitioner  
Posted by: [Signature]  
Number of Signs: 1 Date of return: 11/9/88

89-248-SPH  
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 2nd day of November, 1988.

J. Robert Haines  
Zoning Commissioner  
Nottingham Village, Inc./L.O.  
Petitioner Received by: James F. Dyer  
Chairman, Zoning Plans  
Attorney: Allen D. Greif Advisory Committee

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Date: 10/

Newton A. Williams, Esq.  
Nolan, Plunkhoff & Williams, Chartered  
1105 Hampton Plaza  
303 Allegheny Avenue  
P.O. Box 9828  
Towson, Maryland 21204

Re: Petition for Special Hearing  
SE/S Town Center Drive, 350' S c/l Campbell Blvd.  
14th Election District - 6th Councilmanic  
Legal Owner(s): Nottingham Village, Inc.  
Contract Purchaser(s): Holiday Universal, Inc.  
Hearing: December 21, 1988 at 2:00 p.m.

Dear Mr. Williams:

Please be advised that \$40.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

JRH:gs

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT

10/13/88  
Date

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

RECEIVED ZONING OFFICE  
DATE: 11/9/88

Zoning Item # 173, Zoning Advisory Committee Meeting of November 1, 1988  
Property Owner: Nottingham Village, Inc.

Location: SE/S Town Center Dr., 350' S c/l Campbell Blvd. District: 14  
Water Supply: Metro Sewage Disposal: Metro

COMMENTS ARE AS FOLLOWS:

- (X) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- (X) Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any chandelier operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a building permit application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- (X) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, sauna, whirlpools, hot tub, water and sewerage facilities or other amusements pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to raising of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- ( ) Soil percolation tests, have been \_\_\_\_\_, must be \_\_\_\_\_, conducted.
  - ( ) The results are valid until \_\_\_\_\_.
  - ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ( ) shall be valid until ( ) is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- ( ) Others

Barbara M. Mery  
BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT



# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 14, 1988

COUNTY OFFICE BLDG.  
111 West Chesapeake Ave.  
Towson, Maryland 21204

000

Allen D. Greif, Esquire  
703 Hampton Plaza  
300 East Joppa Road  
Towson, Maryland 21204

MEMBERS  
Bureau of  
Engineering  
Department of  
Traffic Engineering  
State Roads Commission  
Bureau of  
Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial  
Development

RE: Item No. 173, Case No. 89-248-SPH  
Petitioner: Nottingham Village, Inc./Legal Owner  
Holiday Universal, Inc./Contract Purchaser  
Petition for Special Hearing

Dear Mr. Greif:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: G. W. Stephens, Jr. & Associates, Inc.  
P.O. Box 6828  
Towson, Maryland 21204

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

J. Robert Haines  
TO: Zoning Commissioner

Date: December 13, 1988

Pat Keller, Deputy Director  
FROM: Office of Planning and Zoning

Nottingham Village, Inc.  
SUBJECT: Zoning Petition No. 89-248-SPH

DEC 14 1988

ZONING OFFICE

The applicant is requesting a special hearing to establish a fitness center within an M.L. Zone. In reference to this request, staff provides the following information:

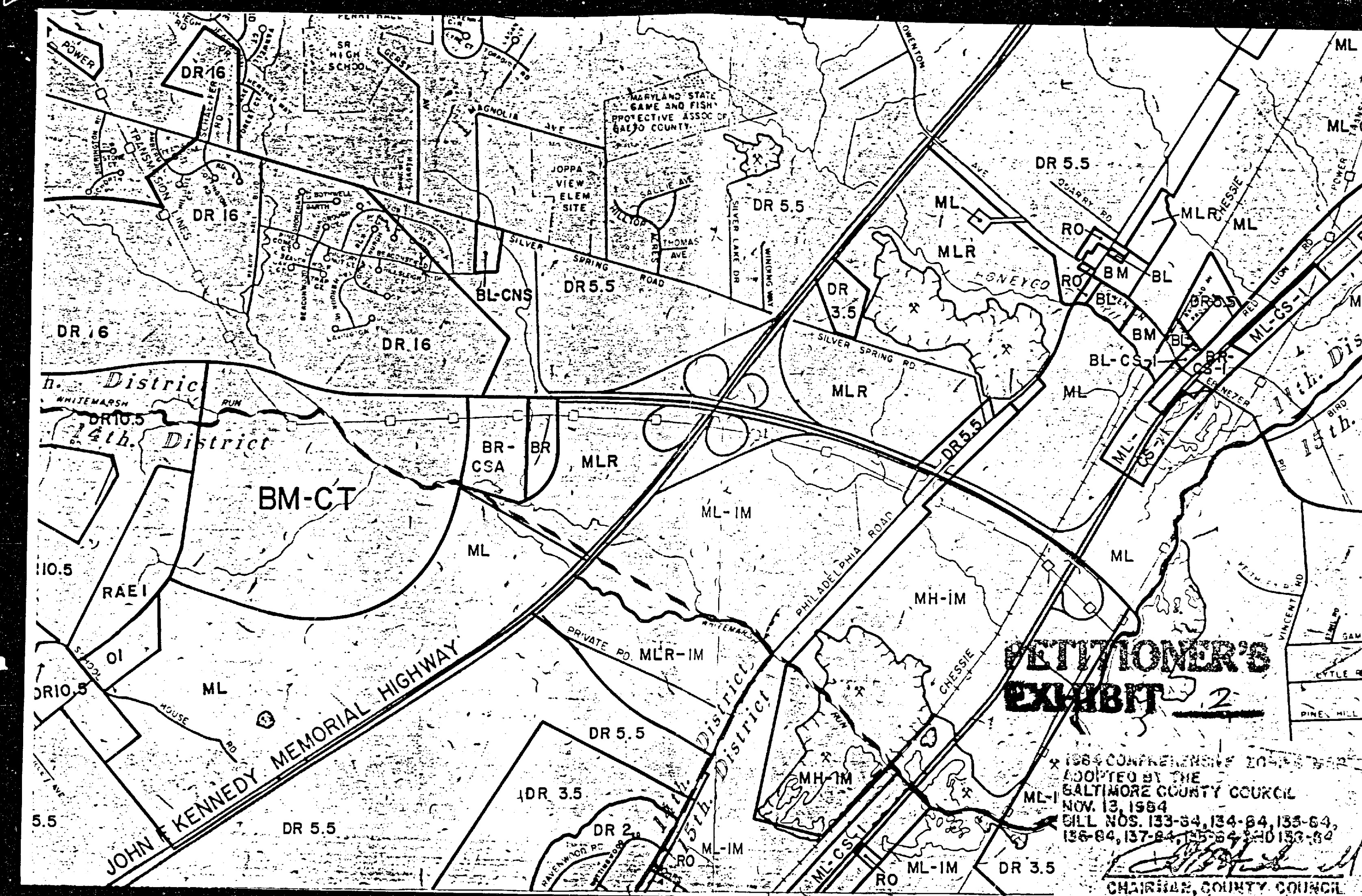
- The applicant's parcel lies within the Perry Hall/White Marsh Growth Area which was adopted by County Council on 2/4/85 as part of the Master Plan. As part of the Master Plan the project should comply with the Perry Hall/White Marsh Plan.
- The applicant's parcel is exempt from CRG review because this parcel of land is part of an approved lot of record. This parcel is also located within the Perry Hall/White Marsh designated growth area. This area was previously subdivided via CRG, and is exempt from CRG because it is a lot of record.
- The proposed use is an extremely high trip generator. The applicant is providing enough excess parking to accommodate this type of use. The use is not appropriate for many of the existing M.L. Zones throughout the County, however, this use in this particular location appears to be an appropriate use of the site. In the evaluation of such a use for this site, staff reviewed: 1) traffic impact; 2) site layout and design; 3) landscaping; 4) building design; and 5) site amenities: a. trash location, lighting, pathways, etc.

Based upon the information provided and analysis conducted, staff recommends approval of the applicant's request subject to the following:

- A landscape plan that incorporates additional materials to those normally provided in the Landscape Manual such as 1) perimeter planting, 2) street trees; 3) building plantings and 4) parking lot landscaping, shall be reviewed by the County Landscape Planner prior to approval.
- The inclusion of a pathway system and transit accessibility participation should be discussed and reviewed by the Office of Planning and Zoning prior to approval.
- The granting of this request should only apply to the use as requested, and any substantial deviation from the plan as shown will result in an invalidation of the approval.

PK/sf

cc: Allen D. Greif, Esq.  
12/14/88



## LAW OFFICES

### NOLAN, PLIMHOFF & WILLIAMS

#### CHARTERED

SUITE 1105, HAMPTON PLAZA  
300 EAST JOPPA ROAD  
TOWSON, MARYLAND 21204-3012

301 823-7800  
TELEFAX: (301) 296-2765

October 31, 1988

## HAND DELIVERY

Honorable J. Robert Haines  
Zoning Commissioner for  
Baltimore County  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Item No. 173  
Petitioner: U.S. Health, Inc.  
Petition for Special Hearing -  
REQUEST FOR EXPEDITED HEARING

Dear Commissioner Haines:

On October 21, 1988, U.S. Health, Inc., filed a petition for special hearing which has been docketed as Item No. 173.

Because of the corporation's construction timetable for this proposed White Marsh facility and the desire to make arrangements for hearing witnesses, we are respectfully requesting that a hearing date be assigned as early as the Commissioner's docket will permit.

We greatly appreciate your kind consideration of this request.

Respectfully submitted,

*Stephen J. Nolan*  
Stephen J. Nolan

SJN/emd

cc: Ms. Gwen Stephens  
Hearing Clerk

Allen D. Greif, Esquire  
Vice President & General Manager  
U.S. Health, Inc.

Charles E. Fick, P.E.

Newton A. Williams, Esquire

RECEIVED  
NOV 1 1988

ZONING OFFICE

## LAW OFFICES

### NOLAN, PLIMHOFF & WILLIAMS

#### CHARTERED

SUITE 1105, HAMPTON PLAZA  
300 EAST JOPPA ROAD  
TOWSON, MARYLAND 21204-3012

301 823-7800  
TELEFAX: (301) 296-2765

January 3, 1989

## HAND DELIVERY

The Honorable J. Robert Haines  
Zoning Commissioner for  
Baltimore County  
County Office Building  
Towson, Maryland 21204

Re: Case No. 89-248 SPH  
Petitioners: Nottingham Village, Inc.  
Holiday Universal, Inc.

Dear Commissioner Haines:

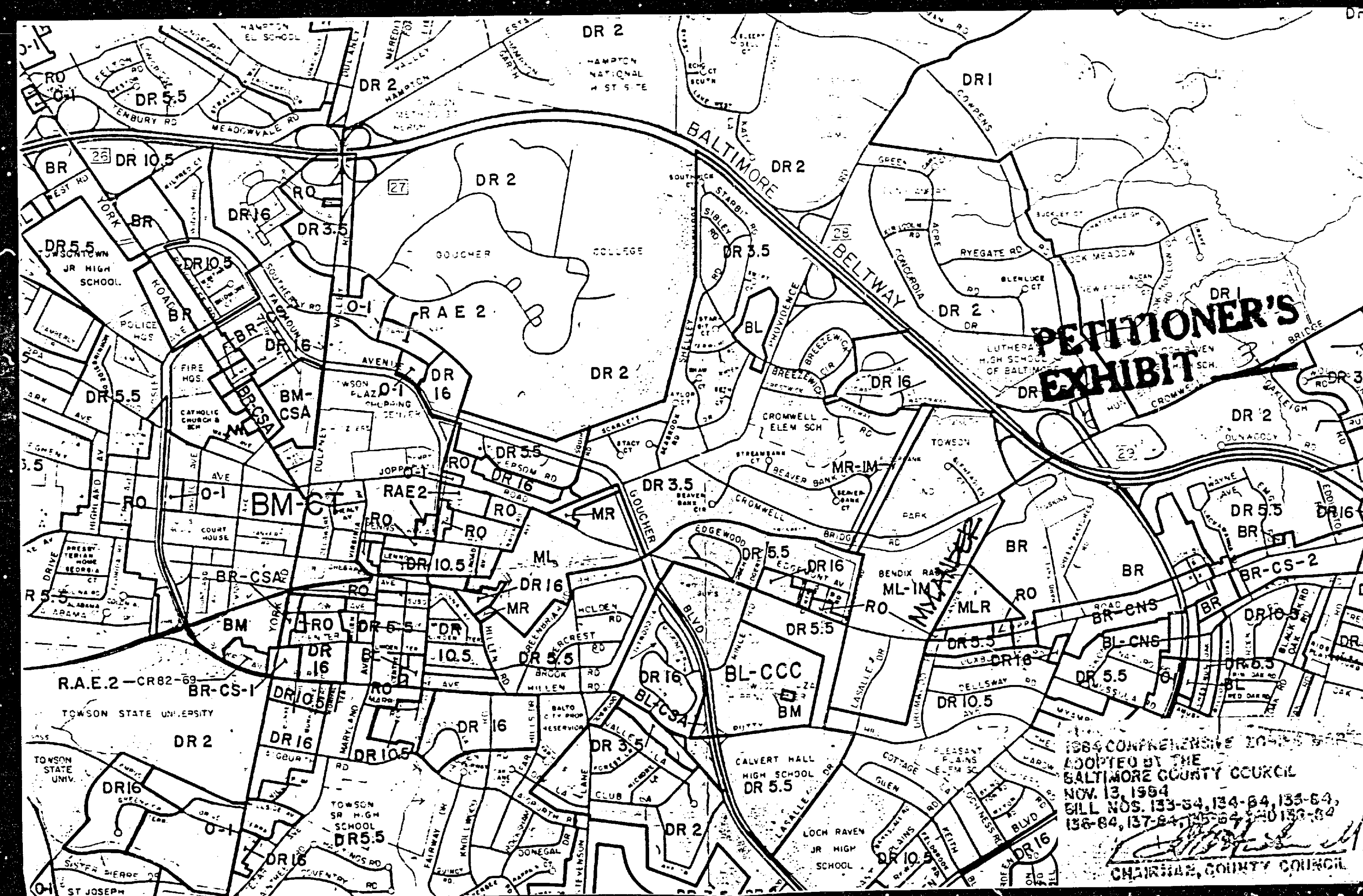
Pursuant to our telephone discussion of this morning, I am hand delivering herewith the original Findings of Fact and Conclusions of Law which incorporates the revisions which we discussed earlier today.

Very truly yours,

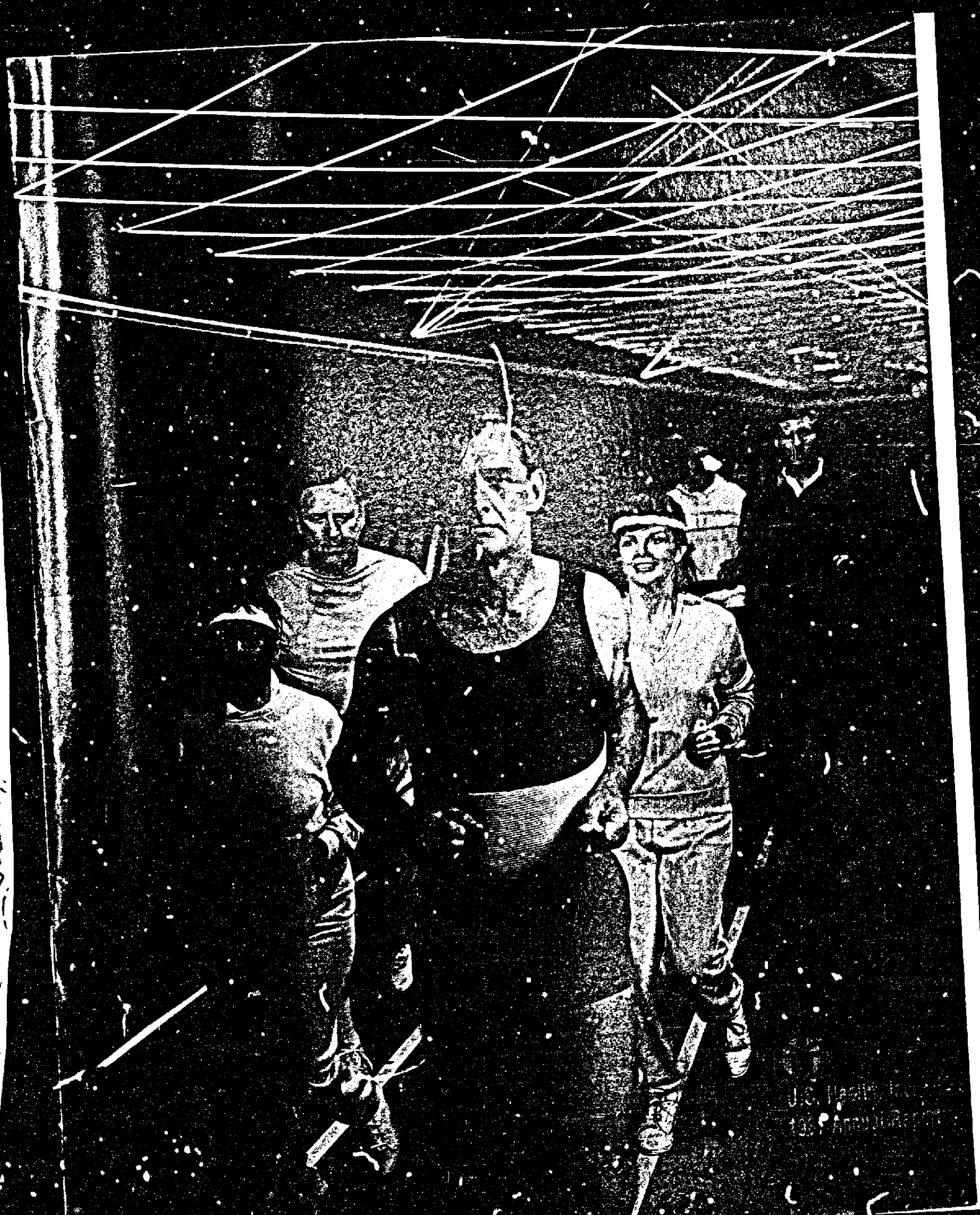
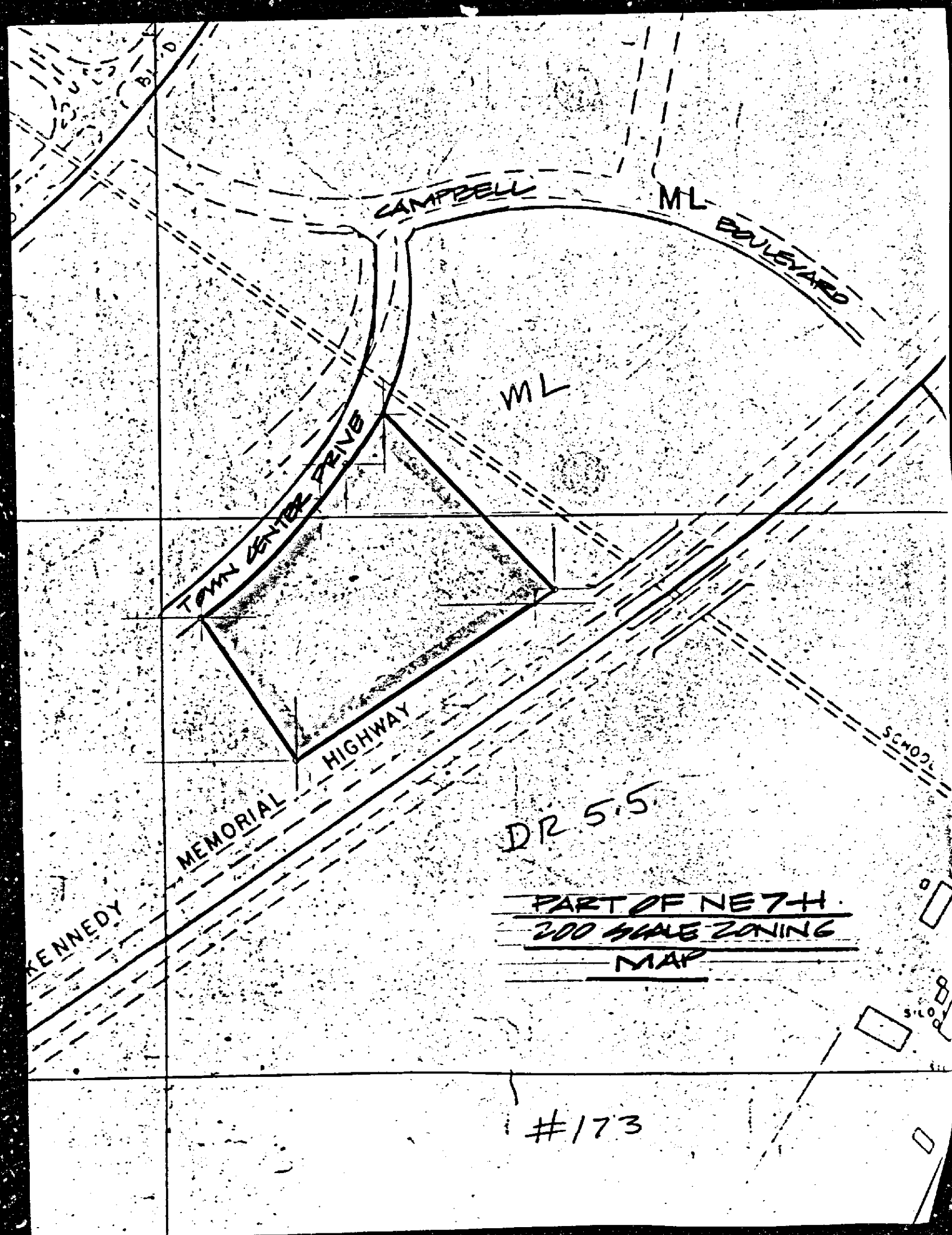
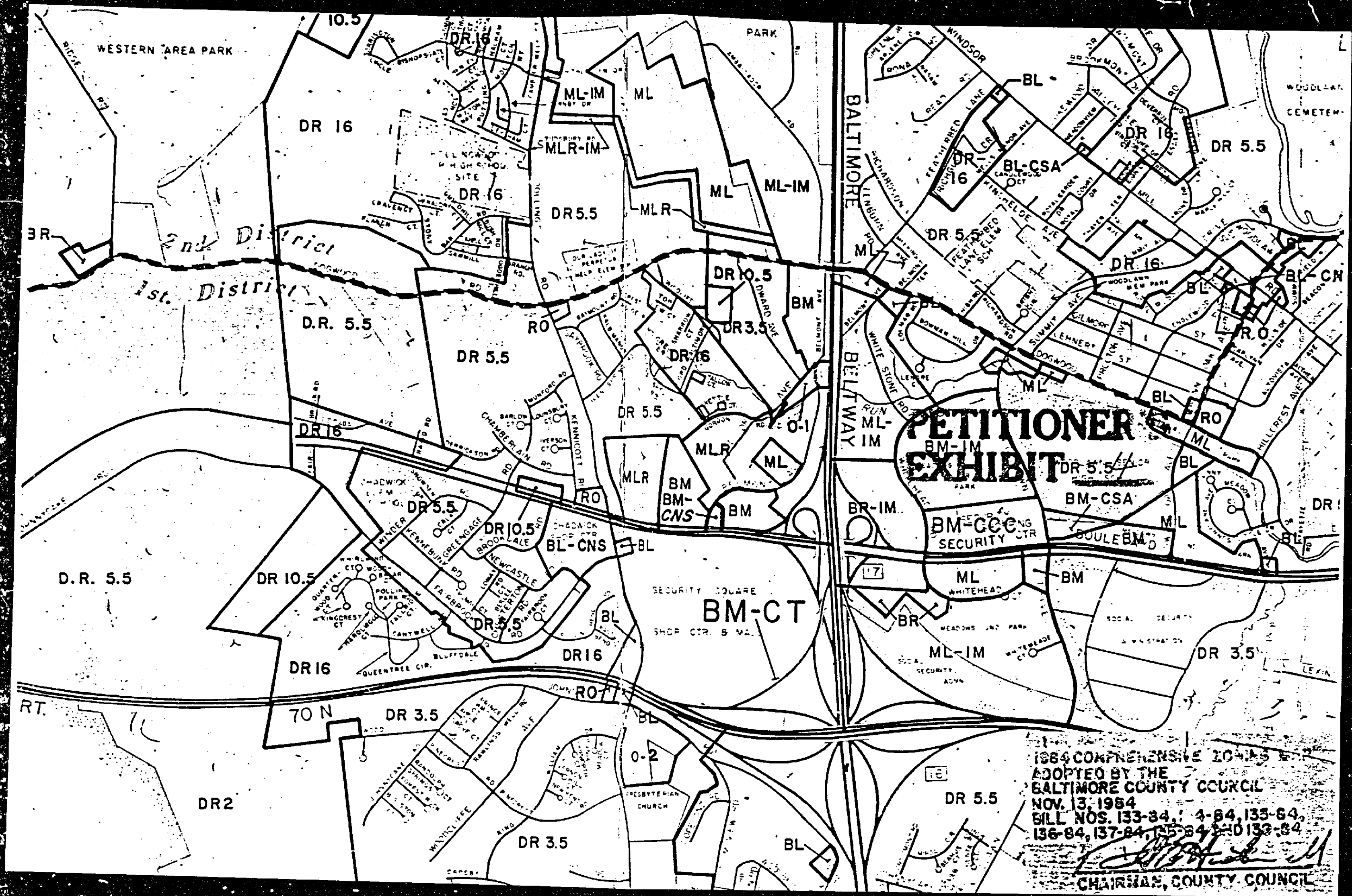
*Stephen J. Nolan*  
Stephen J. Nolan

SJN/emd

enc.












# Legend

-  MAJOR TREE 2 1/2" - 3" CAL.
-  FLOWERING TREE 2" - 2 1/2" CAL.
-  EVERGREEN TREE 6" - 8" HT.

NOTE: PLANT SIZES REQUIRED BY WHITEMARSH BUSINESS COMMUNITY ARE LARGER THAN BALTIMORE COUNTY STANDARDS.

## Requirements

BALTIMORE COUNTY  
 ADJACENT ROADS - 1,000 LF @ 1 TREE/40' = 25 TREES  
 INTERIOR ROADS - 300 LF @ 1 TREE/20' = 15 TREES  
 PARKING - 312 SPACES @ 1 TREE/12' = 26 TREES  
 TOTAL REQUIRED = 66 TREES  
 SCREENING OF PARKING & SERVICE FROM PUBLIC R/W REQUIRED

WHITE MARSH BUSINESS COMMUNITY REQUIREMENTS  
 16 MAJ. TREES/AC X 4.6 AC +/- = 73 TREES X  
 MINIMUM OF 50% MAJOR = 37

TREES SOWN  
 MAJOR DECIDUOUS TREES ----- 45  
 FLOWERING/MIXED TREE ----- 30  
 EVERGREEN TREE ----- 25  
 TOTAL SOWN ----- 73 TREES

## NOTES

## REVISIONS

1025 CROMWELL BRIDGE ROAD  
 BALTIMORE, MARYLAND 21204  
 PHONE (301) 321-6760

BROSSO WILHELM & McWILLIAMS, INC.  
 ARCHITECTS, PLANNERS, MANAGERS, CONSULTANTS

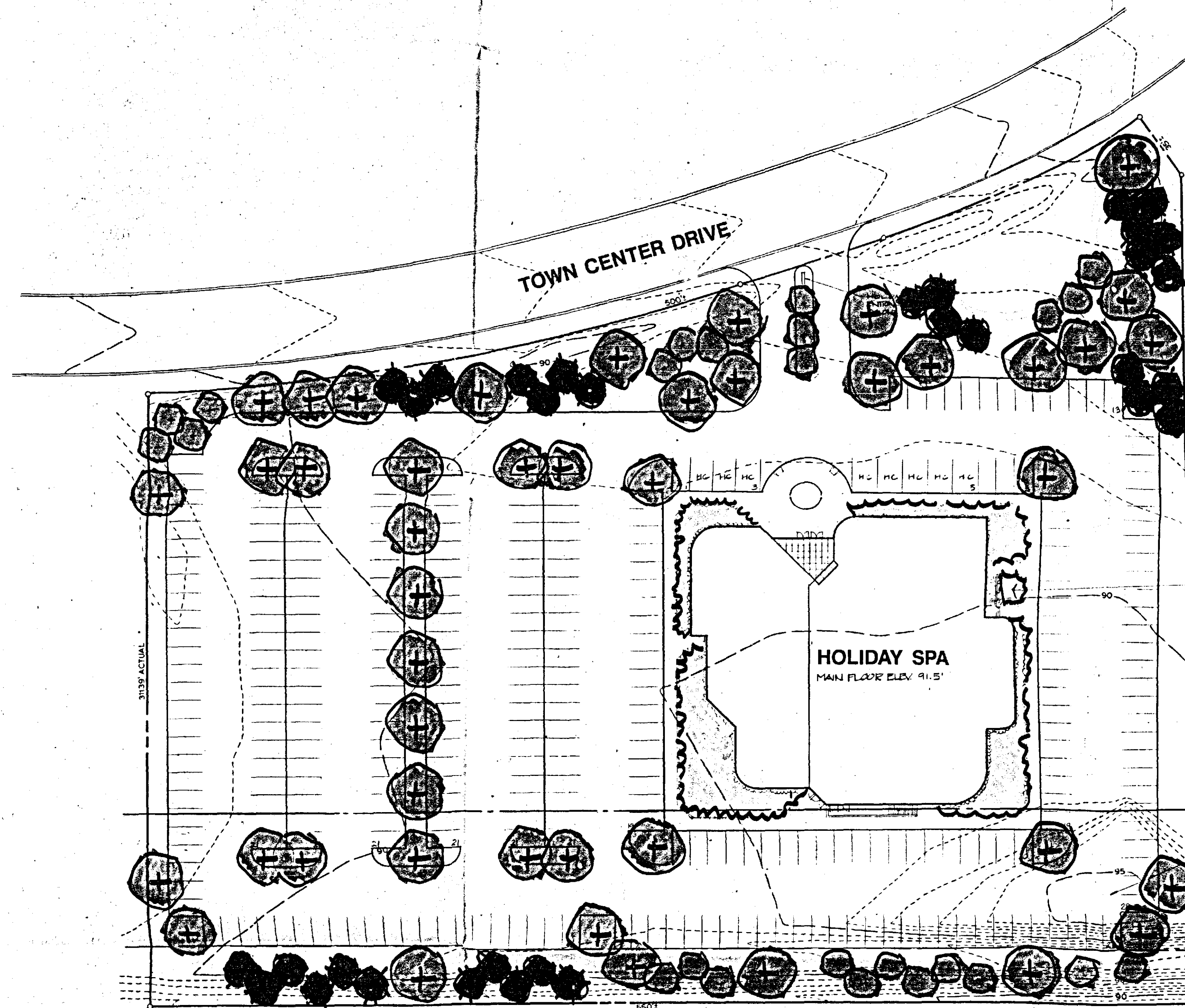
HOLIDAY FITNESS CENTER - WHITE MARSH  
 TOWN CENTER DRIVE  
 WHITE MARSH CENTER  
 BALTIMORE COUNTY, MARYLAND

DATE  
 DRAWN BY  
 CHECKED BY  
 APPROVED

## PLANTING CONCEPT

JOB NO.  
 SCALE  
 DATE  
 LAST REV

LASP-1



I-95 JOHN F. KENNEDY MEMORIAL HIGHWAY

ADDITIONAL PLANTING MAY BE PROVIDED AROUND BUILDING. CONSIDER USE OF LOW GROUND COVER TYPE PLANTS 2 OR 3 VARIETIES TO EMPHASIZE ARCHITECTURAL QUALITY OF BUILDING

100' BUILDING RESTRICTION LINE

REMOVE EXIST. SIGN TOWER & MOUND

30' DRAINAGE/UTILITY EASEMENT

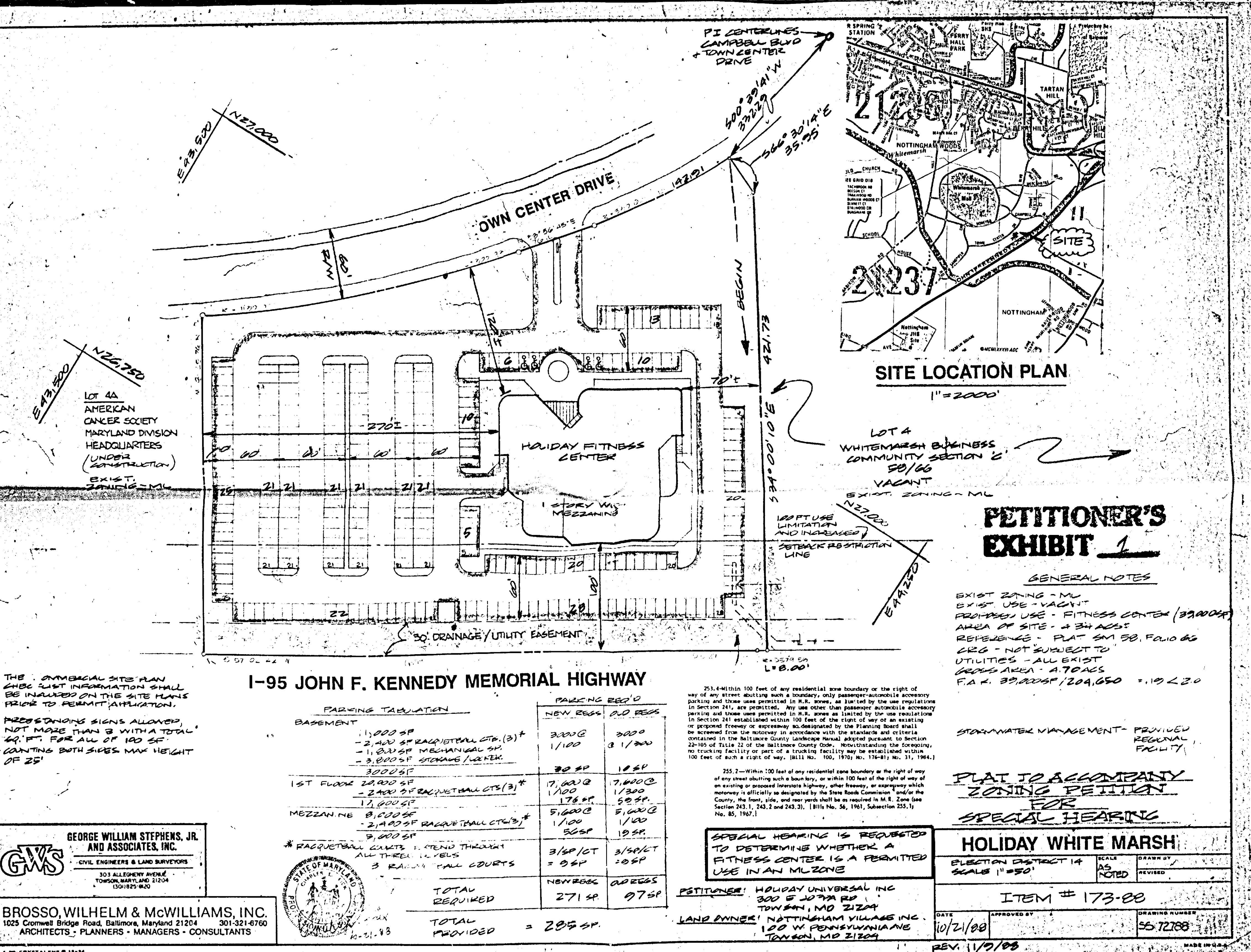
STATUS OF DRAINAGE/UTILITY BASIN IS NOT FULLY RESOLVED. FINAL GRADING & UTILITIES LOCATIONS WILL REQUIRE ADJUSTING PLANTING.

Case No. 89-246 SPH  
 Holiday Universal

Landscape Plan  
 accepted January 31/89  
 J. Haines

PARKING - 304 STANDARD SPACES  
 8 HANDICAPPED SPACES  
 TOTAL - 312 SPACES









Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

January 3, 2000

Ms. Charmayne E. Litz  
McGuire, Woods, Battle & Boothe  
7 Saint Paul Street, Suite 1000  
Baltimore, Maryland 21202

Dear Ms. Litz:

RE: Zoning Verification, 110 West Timonium Road, 8<sup>th</sup> Election District

Your letter dated December 16, 1999 has been referred to me for reply. Based upon information provided by you and our research of the zoning records, the following has been determined. The above referenced property is zoned ML-IM (Manufacturing Light with a Industrial, Major District Overlay). Enclosed please find a copy of a portion of Baltimore County zoning map NW-13A. Baltimore County Code Enforcement has advised that there are no current or outstanding zoning violations on the subject property at this time. Pursuant to Section 253.1 A.42 of the Baltimore County Zoning Regulations (B.C.Z.R.) physical conditioning facilities are a permitted use in the M.L. zone. This position was affirmed by the Zoning Commissioner for Baltimore County in zoning Case No. 89-248-SPH.

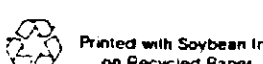
Pursuant to Section 255.1 B.C.Z.R. principal structure setbacks for commercial building are as follows:

Front Property Line - 25'  
Centerline of Any Street - 50'  
Side and Rear - 30'

This property was the subject of zoning case 89-248-SPH wherein on November 28, 1986 the Zoning Commissioner granted a variance to permit a front yard setback of 3 feet 1 inch, a side yard setback of 9 feet and distances between buildings of 50 and 55 feet.

There is currently active construction occurring on this property. This office would require a current A.L.T.A. survey or similar engineered as-built survey in order to confirm adherence to all zoning regulations. Please be advised that, if constructed per all required Baltimore County permits, the property and improvements comply with the B.C.Z.R. including, but not limited to, parking, building, setbacks and building heights.

Census 2000 For You, For Baltimore County Census 2000



Printed with Soybean Ink  
on Recycled Paper

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)

W. Carl Richards, Jr.  
October 5, 1999  
Page 2

sustained by the project which can be repaired without bringing any nonconforming uses which may exist to Code) as soon as possible.

I have also enclosed a check in the amount of \$40.00 which represents the fee for issuing the zoning verification. Please fax your letter (but not the enclosures) to my attention at 410-659-4475 and please call me so that I can arrange to have the original hard copy of the letter and enclosures sent to me by overnight courier.

If you have any questions or comments, please do not hesitate to contact me directly at the number indicated above.

Sincerely,

Charmayne E. Litz  
Legal Assistant

Enclosures:  
legal description  
survey

cc: Michael L. Jennings, Esquire

Ms. Charmayne E. Litz  
January 3, 2000  
Page 2

Further, pursuant to Section 104 B.C.Z.R. the structure maybe rebuilt if damaged by fire, windstorm or other casualty provided it is not enlarged. Building permits would be required.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me 410-887-3391.

Sincerely,

Lloyd T. Moxley  
Planner II  
Zoning Review

LM:kew

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 074576

DATE 12/21/99 ACCOUNT 001-6150

AMOUNT \$ 40.00 (LITZ)

RECEIVED FROM McGuire Woods Battle & Boothe

FOR 110 W. Timonium Rd

DISTRIBUTION  
WRITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

SENT BY: Xerox Telecopier 702-112-16-89 : 4:07PM : 3012-92131- WMB: LLP:W 4



PURDUM and JESCHKE, LLC

The Professional Engineering Center  
8005 Harford Road  
Baltimore, Maryland 21234  
Phone: 410-668-8800  
Fax: 410-668-8801

Consulting Engineers and Land Surveyors  
Civil - Structural - Environmental

"EXHIBIT A"  
DESCRIPTION OF 3.380 ACRES OF LAND  
LOT 1 OF THE PLAT OF  
"#108 & #110 WEST TIMONIUM ROAD"  
RECORDED IN PLAT BOOK 69, PLAT 91  
8TH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

BEGINNING at a capped rebar set on the north right of way line of West Timonium Road at the terminus of the South 15° 23' 22" East 576.81 foot line as shown on said plat. Thence departing said right of way line and binding on said plat line with a meridian referenced to the Baltimore County Coordinate Datum as now surveyed and described by Purdum and Jeschke, Registered Surveyors.

- 1) North 15° 23' 22" West, 576.81 feet to a capped rebar set; thence
- 2) North 08° 59' 09" West, 25.97 feet to a capped rebar set; thence
- 3) North 69° 03' 14" East, 110.82 feet to a capped rebar set; thence
- 4) North 88° 24' 57" East, 186.69 feet to a capped rebar set; thence
- 5) South 31° 14' 02" East, 75.67 feet to a capped rebar set on the westerly right of way line of Green Spring Drive; thence binding on said right of way line
- 6) South 23° 06' 12" East, 201.64 feet to a capped rebar set on the northerly side of a strip of land for highway widening; thence
- 7) South 66° 53' 48" West, 15.00 feet to a capped rebar set; thence
- 8) South 23° 06' 12" East, 14.77 feet to a capped rebar set; thence departing said right of way line
- 9) South 66° 53' 48" West, 155.55 feet to a capped rebar set; thence
- 10) South 23° 06' 12" East, 227.44 feet to a capped rebar set on the northerly right of way line of West Timonium Road at a point of our survey; thence binding on said right of way line
- 11) 180.48 feet along the arc of a non-tangential curve to the right having a radius of 1,669.86 feet subtended by a chord of South 65° 11' 37" West, 180.41 feet to the place of beginning. Containing 147,231 square feet or 3.380 acres of land more or less.



American Consulting Engineers Council Member  
Sustaining Excellence in Engineering

SENT BY: Xerox Telecopier 702-112-16-89 : 4:07PM : 3012-92131- WMB: LLP:W 4

PURDUM and JESCHKE, LLC

The herein described course number nine is intended to run parallel and 3.1 feet southerly from the southerly edge of the existing building as per Zoning Variance Case Number 87-209-A. Being lot 1 as shown on the plat entitled "#108 & #110 West Timonium Road" which said plat is recorded among the land records of Baltimore County, Maryland in plat book 69 at page 91.



12/16/99 10:42 410 659 4599 MCGUIRE WOODS 0001/007

McGUIRE WOODS  
BATTLE & BOOTHE LLP

Number of Pages (including Fax cover sheet): 7 DATE: 12/16/1999  
If all pages are not received, please call the Fax Operator indicated below.

TO: W. Carl Richards, Jr. - Zoning Compliance Officer

OFFICE/COMPANY/FIRM: Baltimore County Planning & Zoning Dept.

LOCATION: Baltimore, Maryland

PHONE NUMBER: 410-887-3391 FAX NUMBER: 410-887-2824

FROM: Charmayne Litz, Legal Assistant

OFFICE: Baltimore DIRECT FAX NUMBER: 410-659-4475

SENDER'S DIRECT DIAL PHONE NUMBER: 410-659-4425

REMARKS: I AM FORWARDING A RUSH REQUEST FOR A ZONING LETTER FOR THE MARYLAND ATHLETIC CLUB AND WELLNESS CENTER ON TIMONIUM ROAD. WE NEED THIS LETTER BY TUESDAY, DECEMBER 21, 1999.

This Fax is intended for the recipient indicated above. It may be confidential or protected from disclosure by the attorney-client privilege or work-product doctrine. If you have received this Fax in error, please destroy it immediately. Thank you.

Sender Name: C. Litz Charge No.: 2022756-0007

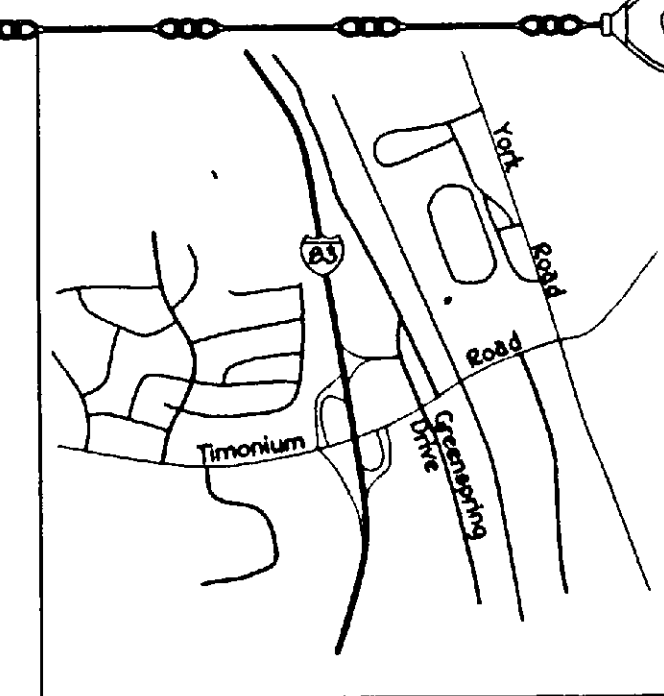
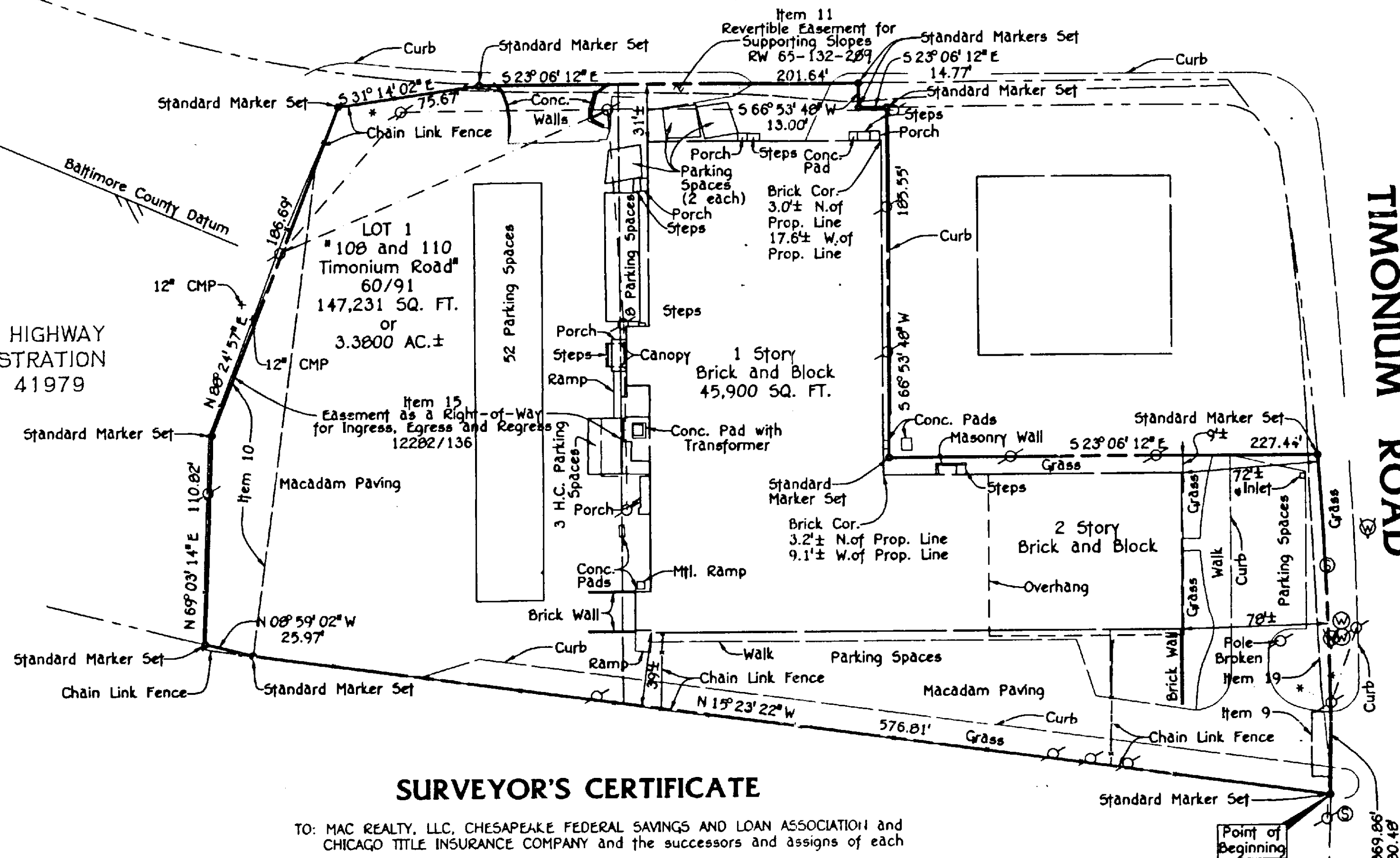
Employee No. 04010 Total Charge:

OFFICE	FAX OPERATOR	SWITCHBOARD	GENERAL FAX NUMBER
ATLANTA, GA	404/443-5500	404/443-5500	404/443-5599
BALTIMORE, MD	410/659-4400	410/659-4400	410/659-4599
CHARLOTTE, NC-South	704/373-8999	704/373-8999	704/373-8990
CHARLOTTE, NC-North	704/373-8999	704/373-8999	704/373-8955
CHARLOTTEVILLE, VA	804/977-2517	804/977-2500	804/980-2222
CHICAGO, IL	312/849-3699	312/849-3699	312/849-3690
JACKSONVILLE, FL	904/798-3200	904/798-3200	904/798-3207
NORFOLK, VA	757/640-3817	757/640-3700	757/640-3701
RICHMOND, VA	804/775-1656	804/775-1000	804/775-1061
TYSONS CORNER, VA	703/712-5430	703/712-5000	703/712-5050
WASHINGTON, DC	202/828-2830	202/857-1700	202/857-1737
ALMATY, KAZAKHSTAN	011-7-3272-60-83-00	011-7-3272-60-83-00	011-7-3272-60-83-05
BRUSSELS, BELGIUM	011 (32-2) 629 42 11	011 (32-2) 629 42 11	011 (32-2) 629 42 22
MOSCOW, RUSSIA	011-7-502-937-0774	011-7-502-937-0774	011-7-502-937-0776

WMB Form 3298

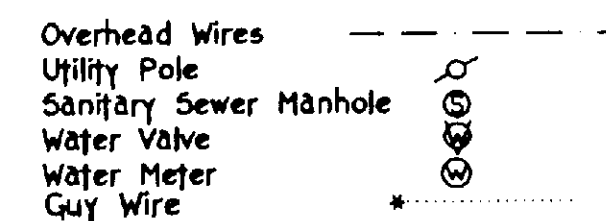


# GREENSPRING DRIVE



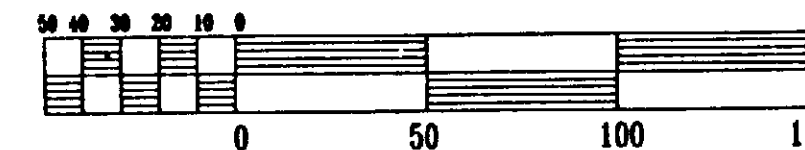
Vicinity Map  
Scale: 1"=200'

## Utility Legend



- NOTES:
- Title issues as per Schedule B - Section 2 of the Commitment Number 970285, Chicago Title Insurance Company, dated July 13, 1997.
  - Item 12 - Baltimore Gas and Electric Company pole line agreement - Not Plottable.
  - Item 13 - Consolidated Gas Electric Light and Power Company pole line agreement - Not Plottable.
  - Item 14 - Consolidated Gas Electric Light and Power Company pole line agreement - Not Plottable.
  - Item 9 - Liber 5054 Folio 324 Temporary Construction Area - Shown on Plat.
  - Item 10 - Liber 5436 Folio 529 - Shown on Plat.
  - Item 11 - Liber 4745 Folio 108 Reversible Slope Easement - Shown on Plat.
  - Item 15 - Liber 12282 Folio 136 Access Easement - Shown on Plat.
  - Item 19 - S.H.A. Slope Easement - Shown on Plat.
  - Title exception items not listed hereon do not affect the property.
  - "Standard Marker Set" denotes a 5/8" diameter iron pin with a 1.25" diameter yellow plastic cap set.

## Graphic Scale



## SURVEYOR'S CERTIFICATE

TO: MAC REALTY, LLC, CHESAPEAKE FEDERAL SAVINGS AND LOAN ASSOCIATION and CHICAGO TITLE INSURANCE COMPANY and the successors and assigns of each

This is to certify that the plat of survey dated July 30, 1997, entitled 'ALTA/ACSM LAND TITLE SURVEY OF THE MARYLAND ATHLETIC CLUB', prepared by the undersigned (the "Plat") is based on a field survey made in July 1997, by me or directly under my supervision in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", jointly established and adopted by the American Land Title Association and the American Congress on Surveying and Mapping in 1992, and to the best of my professional knowledge, information and belief, the Plat:

- correctly represents the facts found as of the date of the survey;
  - except as shown on the Plat, there are no discrepancies between the boundary lines of the subject property as shown on the Plat and i. the legal description of record, if any;
  - the boundary line dimensions as shown on the Plat form a mathematically closed figure within 0.01';
  - except as shown on the Plat, the boundary lines of the subject property are contiguous with the boundary lines of the adjoining parcels, roads, highways, streets or alleys as described in their most recent respective legal descriptions of record, if any; and
  - meets requirements of an Urban Survey, as defined in the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys (with the exception of the "Minimum Length of Measurements" requirements) and includes items 2, 3, 4, 6, 7, 8, 9, 10, 11, and 13 of Table 3 thereof.
- Additionally, 1) All applicable visible utilities serving the subject property, including electric, gas, water, sanitary sewer and storm sewer have been shown; and
- Except as shown hereon, there are no visible (i) encroachments upon the subject property by improvements on adjacent property, (ii) encroachments on any easements or adjacent property, streets, or alleys by any improvements on the subject property, (iii) party walls, (iv) conflicts or protrusions, (v) evidence of any areas that would suggest the existence of any additional easements.
  - Ingress and egress to and from the property are provided via Greenspring Drive and Timonium Road, as shown hereon.
  - The parcels described on the Plat do not lie within flood areas in accordance with maps entitled "Flood Insurance Rate Map", Community Panel Number 240010 0235 B, Panel 235 of 575 dated March 2, 1981.

EXPRESSWAY CORPORATION  
6456 / 113



Consulting Engineers and Land Surveyors  
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John W. Kostic Registered Property Line Surveyor No. 473 Date

SCALE: 1" TO 50'

DATE: JULY 30, 1997

## ALTA/ACSM LAND TITLE SURVEY OF 110 WEST TIMONIUM ROAD THE MARYLAND ATHLETIC CLUB

EIGHTH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND